

Case 9:22-cv-00079-MAC-CLS Document 21 Filed 08/10/23 Page 1 of 2 PageID #: 162

EASTERN DISTRICT OF TEXAS

TYLER LOPEZ,

Plaintiff,

versus

GARY SANCHEZ, *et al.*,

Defendants.

CIVIL ACTION NO. 9:22-CV-79

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff Tyler Lopez, proceeding *pro se*, filed the above-styled civil rights lawsuit against several defendants. The court previously referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that an emergency motion for a preliminary injunction be denied as moot.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections. After careful consideration, the court is of the opinion the objections are without merit. Plaintiff's motion focused on officials at the Angelina County Jail refusing to send plaintiff's initial partial filing fee to the court. He asked the court to direct officials to send the initial partial filing fee. The magistrate concluded that as the court had received the initial partial filing fee, plaintiff's request for an order directing officials to send the fee was moot. This conclusion was correct.

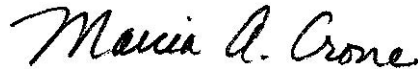
In his objections, plaintiff stated he was also requesting an order directing jail officials to allow him adequate access to a law library. After plaintiff filed his objections, he filed a change of address (#20) indicating he has been released from the jail. Plaintiff's release from jail renders

his request for injunctive relief based on conditions at the Angelina County Jail moot. *Herman v. Holiday*, 238 F.3d 660, 665 (5th Cir. 2001).

ORDER

Accordingly, the objections filed by plaintiff in this matter (#18) are **OVERRULED**. The findings of fact and conclusions of law set forth in the report of the magistrate judge (#17) are correct, and the report of the magistrate judge is **ADOPTED**. The emergency motion for a preliminary injunction (#13) is **DENIED** as moot.

SIGNED at Beaumont, Texas, this 10th day of August, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE